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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,309	02/22/2007	Barry Geer	050588/312849	5197

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER	
YACOB, SISAY	
ART UNIT	**PAPER NUMBER**
2612	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/596,309	GEER, BARRY	
	Examiner	Art Unit	
	SISAY YACOB	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 March 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4, 6 and 8-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 6, and 8-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response To Amendment

1. This communication is in response to applicant's amendment to a non-Final Office action, which was filed March 31, 2009.

2. Amendments and arguments to pending rejected claims 1-4, 6 and 8-16 have been entered and made of record in the application of Geer for "Traffic Light with Modular Pole" filed on February 22, 2007.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-4, 12-14 and 16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent to Armstrong (5,986,576) in view of U.S. Patent to Lambert (3,886,700).

As to claim 1, Armstrong discloses a light assembly (*Item 10*) comprising a pole having a plurality of inter-engagable sections (*Items 24 and 34*) located end-to-end to form the pole (*See figures 1 and 2*), each section having an axial hole therethrough, to form a passage through the sections for a cable (*Item 36; Col. 7, line 54 - Col. 8, line 11*) in an axial direction (*See figure 1*), and a light attached at an operatively upper end of the pole (*Items 12, 14 and 16*).

Armstrong does not expressly disclose a securing line located through the passage, securing means movably securable on the securing line in an axial direction to secure the sections of the pole together.

Lambert discloses a pole having a plurality of engagable sections (*Item 50*), each section having an axial hole therethrough (*Col. 2, lines 48-63*), to form a passage through the sections for a securing line (*passage thorough each inner elements*) located through the passage, securing means (*flexible strand 106*) movably securable on the securing line in an axial direction to secure the sections of the pole together (*Col. 4, lines 3-54; Figures 1-13*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the light assembly of Armstrong, by incorporating the securing means, as disclosed by Lambert, so as to provide pole structure that maybe collapsed and folded, because Lambert suggests the collapsible pole maybe used as stand alone part of a device (*Col. 1, lines 25-49*), one skilled in the art would be motivated to incorporate it into various devices including a light

assembly.

As to claim 2 (depends on 1), Armstrong discloses the pole includes a light connector at an upper end thereof (*Item 64*), the light connector comprising a housing wherein a default light (*Item 62 of figure 8*) is housed and wherein the pole sections are secured (*Col. 6, lines 14-40*).

As to claims 3 and 4 (depend on 1 and 3 respectively), Armstrong discloses a footpiece engaged underneath an operatively lowest section of the pole, and has an operatively lower outwardly extending skirt providing a wider base section for supporting the pole (*Item 30*).

As to claim 12 (depends on 2), Armstrong discloses an adaptor (Item 11) connectable to the light connector (Item 64), the adaptor having a number of sockets (Items 12, 14 and 16)for receiving lights in the sockets (Col. 5, line 61 – Col. 6, line 13).

As to claim 13 (depends on 1), Armstrong discloses the light connected to the pole includes a bank of light emitting diodes (Col. 2, lines 60-64).

As to claim 14 (depends on 13), Armstrong discloses the bank of light emitting diodes is controlled to emit one of a plurality of different colors of light at a time (Col. 3, lines 5-16, 28-38).

As to claim 16 (depends on 1), Armstrong discloses the light assembly is a traffic light assembly (Col. 2, lines 60-64).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Lambert and further in view of U.S. Patent to Bybee

(6,696,947 B1).

As to claim 6 (depends on 1), Armstrong discloses inter- engagable sections that are cylindrical (Items 24 and 34 of figures 1-2).

The combination of Armstrong and Lambert does not expressly disclose complementary neck and collar formations on one end and a complementary shaped first inner blind bore on an opposite end for receiving the neck of an adjacent section, wherein the sections have a first bore in a main body of the section and a second bore in the neck formation that the assembled pole includes-a said passage therethrough.

Bybee discloses a metal detector assembly (Item 84 of figurer 20) comprising poles having a plurality of inter-engagable sections (Items 86 and 88, 92 and 94) located end-to-end to form the pole (See figures 20 and 21), the sections having a complementary neck (Item 98) and collar (See figures 20 and 21) formation on one end and a complementary shaped first inner blind bore (Item 98) on an opposite end for receiving the neck of an adjacent section (Col. 5, lines 24-47; Figures 20 and 21).

One of ordinary skill in the art at the time the invention was made would have been motivated to modify the combination of Armstrong and Lambert, by incorporating the pole sections having a complementary neck and collar formation on one end and a complementary shaped first inner blind bore on an opposite end for receiving the neck of an adjacent section, as disclosed by Bybee, because it is conventional to assemble multi sectional poles and similar

items by having neck and collar formation on one end and a inner blind bore on an opposite end for receiving the neck.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Lambert and further in view of U.S. Patent to Nevin (5,675,956).

As to claim 8 (depends on 1), the combination of Armstrong and Lambert does not expressly disclose a securing line is a rod having screw threaded ends for receiving nuts for securing the sections together.

Nevin discloses a pole assembly that employs a rod having screw threaded for securing the sections together (Abstract; Col. 4, lines 10-25; Figures 2 and 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong and Lambert, by having the securing rod having screw threaded, as disclosed by Nevin, because a rod having screw threaded ends for receiving nuts is conventional and one skilled in the art would readily understand the securing means of Lambert maybe replaced by any equivalent conventional attaching means including a rod having screw threaded ends for receiving nuts as disclosed by Nevin.

8. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Lambert and further in view of the U.S. Patent to Niemeyer (5,340,069).

As to claim 9 (depends on 2), the combination of Armstrong and Lambert does not expressly disclose the light connector includes annular lip formations, one annular lip formation extending upwardly from a base thereof and the other downwardly form an operatively upper end of a cylindrical section to form downwardly and upwardly facing annular channel sections for receiving lugs at the rear of a traffic light therein.

Niemeyer discloses a light assembly that incorporate a light connector includes annular lip (Item 20 of figure 1 has annular end connection) formations, one annular lip formation extending upwardly from a base thereof (lower item 20 of figure 1) and the other downwardly (Upper Item 20 of figure 1) form an operatively upper end of a cylindrical section (Item 22 of figure 1) to form downwardly and upwardly facing channel sections for receiving lugs at the rear of a traffic light therein (Col. 6, line 66 – Col. 7, line 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong and Lambert, by incorporating a light connector, as disclosed by Niemeyer, because having annular lips in the extensions increase the holding force of the assembly.

As to claim 10 (depends on 9), Niemeyer discloses an adaptor (Item 100) connectable to the light connector (Item 20 via items 24 and 26) , the adaptor having a number of sockets (3 sockets) for receiving lights in the sockets, and wherein the adaptor is securable at any position about the cylindrical section (See figures 1-7).

As to claim 11 (depends on 9), Armstrong discloses the base and cylindrical section are axially movable relative to each other to move the formations away from each other to facilitate adjustment of the height of the light assembly.

The combination of Armstrong, Lambert and Niemeyer does not expressly disclose the base and cylindrical section are axially movable relative to each other to move the lip formations away from each other to facilitate insertion of lugs at the rear of a light in the opposing channels formed by the lip formations.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong, Lambert and Niemeyer, by having the base and cylindrical section are axially movable relative to each other, in order to facilitate insertion of lugs at the rear of a light in the opposing channels formed by the lip formations, because the Niemeyer lip formation of Niemeyer's light assembly is removable and one skilled in the art would readily understand the different pole sections may be joined by various ways and means including the sections being fasten in axial direction at one or both ends as it is conventional method of joining adjacent section of poles and pipes in various arts, wherein, any part including the base and cylindrical section may be axially movable relative movable relative to each other to move the lip formations away from each other to facilitate insertion of lugs at the rear of a light in the opposing channels formed by the lip formations.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of Lambert and further in view of the U.S. Publication of Clauberg (200601521775 A1).

As to claim 15 (depends on 13), the combination of Armstrong and Lambert does not expressly disclose groups of light emitting diodes in the bank can be switched off while the remaining light emitting diodes are switched on to form a shape in the bank of light emitting diodes formed by the light emitting diodes remaining switched on.

Clauberg discloses a light assembly, wherein groups of light emitting diodes in the bank can be switched off while the remaining light emitting diodes are switched on to form a shape in the bank of light emitting diodes formed by the light emitting diodes remaining switched on (Page 1, Par. 0003-0004).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong and Lambert, by incorporating the slight assembly illumination, as disclosed by Clauberg, because it is conventional to use selected illumination light in the traffic light art and Clauberg discloses the claimed limitations.

Response to Arguments

10. Applicant's arguments, see (Pages 10-12), filed (March 31, 2009), with respect to the rejection(s) of claim(s) 1-4, 6, and 8-16 under 35 U.S.C. 103(a) have been fully considered, but are moot in view of new ground(s) of rejection, which are necessitated by applicant's amendments. See above rejection for full

detail. It is noted that the claim amendment has changed the scope of the claimed invention, and that applicant's arguments are mainly directed to the claims as amended. As for the plural inter-engageable sections in Armstrong, sections 24 and 34 are clearly two or plural such sections rather than the single section as alleged by applicant.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SISAY YACOB whose telephone number is

(571)272-8562. The examiner can normally be reached on Monday through Friday 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A. Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sisay Yacob
06/31/2009

/S. Y./

Examiner, Art Unit 2612

/Benjamin C. Lee/

Supervisory Patent Examiner, Art Unit 2612